

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION – COLUMBUS

UNITED STATES OF AMERICA

Plaintiff

vs.

THOMAS ROMANO,

Defendant

Case No. 2:19-CR-202

Judge Michael H. Watson

UNITED STATES' SPEEDY TRIAL CALCULATION

The United States of America, by and through Christopher Jason, Trial Attorney, United States Department of Justice, hereby submits a Speedy Trial calculation in the above-captioned case pursuant to order of this Honorable Court and in accordance with 18 United States Code, Section 3161.

The United States respectfully avers that all delays in this case have been excludable pursuant to 18 U.S.C. § 3161. The defendant has moved to continue the case, and expressly waived his right to Speedy Trial under 18 U.S.C. § 3161, five times: 1) November 25, 2019 (R. 23); 2) October 23, 2020 (R. 36); 3) March 16, 2021 (R. 39); 4) July 7, 2021 (R. 42); and 5) March 10, 2022 (R. 57). Further, this Honorable Court expressly excluded all time from December 4, 2019 to November 2, 2020 due to the COVID-19 pandemic pursuant to a written order issued on May 14, 2020. The Court has also filed orders continuing the case, first from February 28, 2022 to March 1, 2022 (Docket Entry 2/22/22) and again from March 1, 2022 to March 14, 2022 (R. 55) in a manner that is excludable from Speedy Trial calculation pursuant to 18 U.S.C. § 3161(h)(7)(A). Undersigned counsel presents the chart below for a summary of the timeline:

Speedy Trial Computation – <i>United States v. Romano</i>			
<i>Date</i>	<i>Event</i>	<i>Outcome</i>	<i>Docket Entry</i>
September 24, 2019	Date of Arrest, Initial Appearance	Trial Date Set for 12/9/2019 ¹	R. 8, 9, 20
November 25, 2019	Defense Continuance Motion	Granted – Trial Date Moved to April 14, 2020 (Amended by Court to May 18, 2020)	R. 23, 24, 25, 26
May 14, 2020	Tolling of Speedy Trial Order	Court Issued Order Tolling Delay from December 4, 2019 to November 2, 2020	R. 27
June 18, 2020	Superseding Indictment Filed	Arraignment held on July 17, 2020; Trial Date Remained Set for November 2, 2020	R. 40, 41, 42
October 23, 2020	Defense Continuance Motion	Granted – Trial Date Moved from November 2, 2020 to April 12, 2021	R. 36, 37
March 16, 2021	Defense Continuance Motion	Granted – Trial Date Moved from April 12, 2021 to July 26, 2021	R. 39, 40
July 7, 2021	Defense Continuance Motion	Granted – Trial Date Moved from July 26, 2021 to February 28, 2022	R. 42, 43, 45
February 22, 2022	Court Order Vacating Trial Date	Trial Moved from February 28, 2022 to March 1, 2022	(Docket Entry 2/22/2022)
March 1, 2022	Court Order Continuing Trial	Trial Moved from March 1, 2022 to March 14, 2022	R. 55
March 10, 2022	Defense Continuance Motion	Granted – Trial Date Moved from March 14, 2022 to August 1, 2022	R. 57, 58

For all of the reasons outlined above, the United States respectfully submits that the only delay potentially attributable to the government for purposes of Speedy Trial findings under 18 U.S.C. § 3161 is the original delay from the September 24, 2019 arrest of the defendant and the

¹ In an order issued October 18, 2019, the Honorable Chief Judge Algenon Marbley designated this case to be related to *United States v. Balgo*, 2:19-cr-197 and transferred the case to this Honorable Court.

defendant's first continuance motion on November 25, 2019. This accounts for approximately 62 days,² which is below the Speedy Trial requirement that the defendant undergo his trial within 70 days under 18 U.S.C. § 3161(c)(1).

Respectfully submitted,

KENNETH L. PARKER
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF OHIO

LORINDA LARYEA
ACTING CHIEF
CRIMINAL DIVISION, FRAUD SECTION
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² The United States does not concede that this timeline is wholly attributable to the government's delay, as the transfer of the case may have occasioned a delay that is excludable under 18 U.S.C. § 3161. However, this issue is not ripe because even if the delay is attributable to the government, the government still meets its Speedy Trial requirements under 18 U.S.C. § 3161.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of June, 2022, I filed the foregoing United States' Speedy Trial Calculation with the Clerk of Court, and provided an electronic copy to the defendant's counsel of record, Attorney Samuel Shamansky, Esq.

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